

# State of Wisconsin



1999 Assembly Bill 796

Date of enactment: **May 18, 2000**  
Date of publication\*: **June 2, 2000**

## 1999 WISCONSIN ACT 197

(Vetoed in Part)

AN ACT *to repeal* 42.06; *to amend* 13.48 (6), 13.48 (7), 13.48 (12) (b) 2., **13.48 (29)**, 13.488 (7) (a) and (b), 16.75 (3m) (c) 4. **and 5.**, 16.85 (1), 16.85 (6), **16.855 (10m) (a) and (c), 16.855 (22), 16.87 (2)**, 20.190 (1) (h), 42.04, 42.12 (1), **560.036 (2) (a) and 560.036 (2) (d) 1. b.**; *to repeal and recreate* 15.07 (1) (b) 15m. and 15.445 (4); and *to create* 13.48 (10) (b) 5., 13.94 (1) (dm), 15.07 (2) (h), 16.855 (10n), 16.87 (5), 20.924 (3), 42.01 (4), 42.01 (5), 42.09 (3) and 42.106 of the statutes; **relating to:** the state fair park board; authorizing the creation of private corporations to provide support for the state fair park; construction and leasing of buildings, structures and facilities at the state fair park; and making an appropriation.

Vetoed  
In Part

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**SECTION 1.** 13.48 (6) of the statutes is amended to read:

13.48 (6) REVIEW OF PROJECTS. All reports submitted as provided by sub. (4) shall be reviewed by the building commission, which shall make its report as soon after November 20 as is possible. Such report shall include specific recommendations and establish priorities for the next 3 biennia from among all projects submitted which the building commission deems essential and shall recommend additional appropriations if necessary for the execution thereof. The building commission shall include in the report any projects proposed by the state fair park board involving a cost of not more than \$250,000, together with the method of financing proposed for those projects by the board, without recommendation. The building commission shall include in its report an appraisal and recommendation of available and alternative methods of financing buildings for the use of

state agencies and shall file copies of its report with the governor-elect.

**SECTION 2.** 13.48 (7) of the statutes, as affected by **1999 Wisconsin Act 9**, is amended to read:

13.48 (7) BIENNIAL RECOMMENDATIONS. The building commission shall prepare and formally adopt recommendations for the long-range state building program on a biennial basis. The building commission shall include in its report any projects proposed by the state fair park board involving a cost of not more than \$250,000, together with the method of financing those projects proposed by the board, without recommendation. Unless a later date is requested by the building commission and approved by the joint committee on finance, the building commission shall, no later than the first Tuesday in April of each odd-numbered year, transmit the report prepared by the department of administration under s. 16.40 (20) and the commission's recommendations for the succeeding fiscal biennium that require legislative approval to the joint committee on finance in the form of proposed legislation prepared in proper form.

\* Section 991.11, WISCONSIN STATUTES 1997-98: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

**SECTION 3.** 13.48 (10) (b) 5. of the statutes is created to read:

13.48 (10) (b) 5. Contracts for construction of any building, structure or facility for the state fair park board involving a cost of not more than \$250,000.

**SECTION 4.** 13.48 (12) (b) 2. of the statutes is amended to read:

13.48 (12) (b) 2. A facility constructed by or for the state fair park board, ~~if the cost of constructing the facility does not exceed the amount specified in sub. (3).~~

**SECTION 4m.** 13.48 (29) of the statutes is amended to read:

13.48 (29) SMALL PROJECTS. Except as otherwise required under s. 16.855 (10m) ~~and (10n)~~, the building commission may prescribe simplified policies and procedures to be used in lieu of the procedures provided in s. 16.855 for any project the estimated construction cost of which does not exceed \$100,000.

**SECTION 5.** 13.488 (7) (a) and (b) of the statutes are amended to read:

13.488 (7) (a) The building commission, with advice from the state fair park board, shall examine and review detailed design requirements for all ~~state-owned~~ facilities ~~involving a cost of more than \$250,000~~ to be included in the development of state fair park.

(b) Final approval by the building commission for the construction of any facility ~~specified in par. (a)~~ at state fair park shall be contingent upon a finding by the building commission that the proposed project is consistent with the overall objectives of the state fair park and that actual lease commitments and the probability of future lease commitments are such that the building commission may reasonably determine that the facility will be completely self-amortizing, including principal and interest payments covering the life of any bond issue.

**SECTION 6.** 13.94 (1) (dm) of the statutes is created to read:

13.94 (1) (dm) Annually, perform a financial audit of the state fair park board and of any private corporation with which the board contracts under s. 42.01 (4) (b).

**SECTION 8c.** 15.07 (1) (b) 15m. of the statutes is repealed and recreated to read:

15.07 (1) (b) 15m. The members of the state fair park board appointed under s. 15.445 (4) (a) 3. to 5.

**SECTION 9.** 15.07 (2) (h) of the statutes is created to read:

15.07 (2) (h) The chairperson of the state fair park board shall be designated annually by the governor from among the members appointed under s. 15.445 (4) (a) 3., 4. and 5.

**SECTION 10e.** 15.445 (4) of the statutes is repealed and recreated to read:

15.445 (4) STATE FAIR PARK BOARD. (a) There is created a state fair park board attached to the department of tourism under s. 15.03, consisting of the following members:

1. Two representatives to the assembly, one recommended by the speaker of the assembly and one recommended by the minority leader of the assembly. This subdivision does not apply after June 30, 2003.

2. Two senators, one recommended by the majority leader of the senate and one recommended by the minority leader of the senate. This subdivision does not apply after June 30, 2003.

3. Five members representing business, 3 of whom have general business experience, one of whom has experience in agriculture and one of whom has experience with technology.

4. One resident of the city of West Allis, ~~recommended by the mayor of West Allis.~~

5. One other member who is a resident of this state.

6. The secretary of agriculture, trade and consumer protection and the secretary of tourism.

(b) The members of the state fair park board under par. (a) 3. to 5. shall be appointed for 5-year terms.

**SECTION 10s.** 16.75 (3m) (c) 4. ~~and 5.~~ of the statutes are amended to read:

16.75 (3m) (c) 4. The department shall annually prepare and submit a report to the governor and to the chief clerk of each house of the legislature, for distribution to the appropriate standing committees under s. 13.172 (3), on the total amount of money paid to and of indebtedness or other obligations underwritten by minority businesses, minority financial advisers and minority investment firms under the requirements of this subsection and ss. 16.855 (10m) ~~and (10n)~~, 16.87 (2), 25.185, 84.075 and 565.25 (2) (a) 3. and on this state's progress toward achieving compliance with par. (b) and ss. 16.855 (10m) (a) ~~and (10n)~~, 16.87 (2), 25.185 and 84.075 (1).

5. ~~In determining whether a purchase, contract or subcontract complies with the goal established under par. (b) or s. 16.855 (10m) and (10n), 16.87 (2) or 25.185 the department shall include only amounts paid to minority businesses, minority financial advisers and minority investment firms certified by the department of commerce under s. 560.036 (2).~~

**SECTION 12.** 16.85 (1) of the statutes is amended to read:

16.85 (1) To take charge of and supervise all engineering or architectural services or construction work as defined in s. 16.87 performed by, or for, the state, or any department, board, institution, commission or officer thereof, including nonprofit-sharing corporations organized for the purpose of assisting the state in the construction and acquisition of new buildings or improvements and additions to existing buildings as contemplated under ss. 13.488, 36.09 and 36.11, except the engineering, architectural and construction work of the department of transportation, the engineering service performed by the department of commerce, department of revenue, public service commission, department of health and family services and other departments, boards and commissions

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when the service is not related to the maintenance, construction and planning of the physical properties of the state, and energy efficiency projects of the energy efficiency program under s. 16.847. The department shall adopt the architectural and engineering design proposed by the state fair park board for any project to be constructed for the board, if the design and specifications conform to applicable laws, rules, codes and regulations. The department shall not authorize construction work for any state office facility in the city of Madison after May 11, 1990, unless the department first provides suitable space for a day care center primarily for use by children of state employees.

**SECTION 13.** 16.85 (6) of the statutes is amended to read:

16.85 (6) To approve the appointment of a principal engineer or architect for departments, boards and commissions and when such continuous service is needed. No such engineer or architect shall be employed without the written approval of the secretary. This subsection does not apply to the state fair park board.

**SECTION 13d.** 16.855 (10m) (a) and (c) of the statutes are amended to read:

16.855 (10m) (a) ~~In~~ Except as provided in sub. (10n), in awarding construction contracts the department shall attempt to ensure that 5% of the total amount expended in each fiscal year is awarded to contractors and subcontractors which are minority businesses, as defined under s. 16.75 (3m) (a). The department may award any contract to a minority business that submits a qualified responsible bid that is no more than 5% higher than the apparent low bid.

(c) The department shall maintain and annually publish data on contracts awarded to minority businesses under this subsection and sub. (10n) and ss. 16.87 and 84.075.

**SECTION 13h.** 16.855 (10n) of the statutes is created to read:

16.855 (10n) (a) In this subsection:

1. "Minority business" has the meaning given in s. 560.036 (1) (e).

2. "Minority group member" has the meaning given in s. 560.036 (1) (f).

3. "Women's business" means a sole proprietorship, partnership, joint venture or corporation that is at least 51% owned, controlled and actively managed by women.

(b) The department shall enter into a memorandum of understanding with the state fair park board which shall specify procedures for construction work and professional services contracts to be performed for the state fair park board under which any person who is awarded such a contract shall agree, as a condition to receiving the contract, that his or her goal shall be to ensure that at least 25% of the employees hired because of the contract will be minority group members and at least 5% of the employees hired because of the contract will be women.

(c) It shall be a goal of the department, in coordination with the state fair park board, to ensure that at least 25% of the aggregate dollar value of contracts awarded by the department in the following areas shall be awarded to minority businesses and at least 5% of the aggregate dollar value of contracts awarded by the department in the following areas shall be awarded to women's businesses:

1. Contracts for the construction of state fair park facilities.

2. Contracts for professional services related to the construction of state fair park facilities.

3. Contracts for the development of state fair park facilities.

(d) It shall be a goal of the department, in coordination with the state fair park board, with regard to each of the contracts described under par. (c) 1. to 3., to award at least 25% of the dollar value of such contracts to minority businesses and at least 5% of the dollar value of such contracts to women's businesses.

(e) 1. Pursuant to the memorandum of understanding under par. (b), the department shall hire an independent person to monitor the compliance of the department and state fair park board with minority contracting goals under pars. (b) to (d). The person hired shall have previous experience working with minority group members. The memorandum of understanding shall include a mechanism for receiving regular reports from the person hired with respect to the results of the person's studies of compliance with minority contracting goals.

2. If the department or a contractor is unable to meet the goals under par. (b), (c) or (d), the person hired under subd. 1. shall assess whether the department or contractor made a good faith effort to reach the goals. In determining whether a good faith effort was made to meet the goals, the person hired shall consider all of the following:

a. The supply of eligible minority businesses and women's businesses that have the financial capacity, technical capacity and previous experience in the areas in which contracts were awarded.

b. The competing demands for the services provided by eligible minority businesses and women's businesses, as described in subd. 2. a., in areas in which contracts were awarded.

c. The extent to which the department or contractor advertised for and aggressively solicited bids from eligible minority businesses and women's businesses, as described in subd. 2. a., and the extent to which eligible minority businesses and women's businesses submitted bids.

**SECTION 13p.** 16.855 (22) of the statutes is amended to read:

16.855 (22) The provisions of this section, except ~~sub. subs. (10m) and (10n),~~ do not apply to construction work for any project the estimated construction cost of which does not exceed \$100,000 if the project is con-

Vetoed  
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structed in accordance with policies and procedures prescribed by the building commission under s. 13.48 (29). If the estimated construction cost of any project is at least \$30,000, and the building commission elects to utilize the procedures prescribed under s. 13.48 (29) to construct the project, the department shall provide adequate public notice of the project and the procedures to be utilized to construct the project on a publicly accessible computer site.

**SECTION 13t.** 16.87 (2) of the statutes is amended to read:

16.87 (2) A contract for engineering services or architectural services or a contract involving an expenditure of \$2,500 or more for construction work, or \$20,000 or more for limited trades work, to be done for or furnished to the state or a department, board, commission or officer of the state is exempt from the requirements of ss. 16.705 and 16.75. The Except as provided in s. 16.855 (10n), the department shall attempt to ensure that 5% of the total amount expended under this section for these purposes in each fiscal year is paid to minority businesses, as defined under s. 16.75 (3m) (a).

**SECTION 14.** 16.87 (5) of the statutes is created to read:

16.87 (5) Subsections (1) to (4) do not apply to contracts for construction work to be performed for the state fair park board. The secretary shall prepare and sign contracts for construction work to be performed for the state fair park board in accordance with the approved specifications for the work.

**SECTION 15.** 20.190 (1) (h) of the statutes is amended to read:

20.190 (1) (h) *State fair operations.* ~~The amounts in the schedule for general program operations and for the grant program under s. 42.12. All moneys received by the state fair park board for or on account of the state fair, state fair park or other events and all moneys received from any lease of the Olympic Ice Training Center under s. 42.11 (3) shall be credited to this appropriation to be used to support the operation, management and development of state fair park and for the grant program under s. 42.12.~~ The unencumbered balance of this appropriation on June 30 of each year shall be transferred to the appropriation under par. (i).

**SECTION 16.** 20.924 (3) of the statutes is created to read:

20.924 (3) Subsection (1) (a) and (b) does not apply to the acquisition of land for, or the construction, repair, remodeling or improvement of, any building, structure or facility for the state fair park board.

**SECTION 17.** 42.01 (4) of the statutes is created to read:

42.01 (4) (a) The state fair park board may organize a nonstock corporation under ch. 181 for the purposes of raising funds and providing support for the operation, management and development of state fair park. The

board shall organize any corporation organized under this paragraph so that the corporation is exempt from taxation under the section 501 of the Internal Revenue Code.

(b) The state fair park board may enter into a contract with any corporation that the board organizes under par. (a) under which the corporation raises funds or provides support for the operation, management and development of state fair park.

**SECTION 18.** 42.01 (5) of the statutes is created to read:

42.01 (5) The state fair park board shall ensure that it receives sufficient revenues from the operation of state fair park to make the payments required under s. 20.190 (1) (j).

**SECTION 19.** 42.04 of the statutes is amended to read:

**42.04 Private operation and leasing.** ~~Nothing in this chapter shall prevent~~ The state fair park board may provide for the operation and leasing of any facilities by private entrepreneurs, except that the state fair park board shall reserve the use of state fair park facilities for a sufficient period of time every year for purposes of conducting an annual state fair. This section does not apply to a lease authorized under s. 42.11 (3).

**SECTION 20.** 42.06 of the statutes is repealed.

**SECTION 21.** 42.09 (3) of the statutes is created to read:

42.09 (3) (a) The state fair park board may permit a private person to construct a building, structure or facility in the state fair park under a lease agreement with the board.

(b) The board shall develop policies encouraging each private person entering into an agreement with the board under this subsection to agree that his or her goal shall be to ensure that at least 25% of the employees hired to perform construction work in connection with state fair park facilities or to perform professional services in connection with the construction or development of those facilities will be minority group members, as defined in s. 560.036 (1) (f), and that at least 5% of the employees hired to perform construction work in connection with state fair park facilities or to perform professional services in connection with the construction or development of those facilities will be women.

(c) ~~It shall be a goal of the board to ensure that at least 25% of the aggregate dollar value of contracts awarded by private persons entering into agreements with the board under this subsection in the following areas shall be awarded to minority businesses, as defined in s. 560.036 (1) (e), and at least 5% of the aggregate dollar value of contracts awarded by private persons entering into agreements with the board under this subsection in the following areas shall be awarded to women's businesses, as defined in s. 16.855 (10n) (a):~~

1. ~~Contracts for the construction of state fair park facilities.~~

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2. Contracts for professional services related to the construction of state fair park facilities.

3. Contracts for the development of state fair park facilities.

(d) It shall be a goal of the board, with regard to each of the contracts described under par. (c) 1. to 3., to ensure that at least 25% of the dollar value of such contracts are awarded by private persons entering into agreements with the board under this subsection to minority businesses, as defined in s. 560.036 (1) (e), and at least 5% of the dollar value of such contracts are awarded by private persons entering into agreements with the board under this subsection to women's businesses, as defined in s. 16.855 (10n) (a).

SECTION 24. 42.106 of the statutes is created to read:

**42.106 State fair park board, building commission and department of administration.** (1) Except as provided in sub. (2), the state fair park board may enter into a memorandum of understanding with the department of administration and the building commission to coordinate the activities of the board, the department and the commission.

(2) The state fair park board shall enter into a memorandum of understanding with the department of administration with respect to oversight of the contracting procedures under s. 16.855 (10n).

SECTION 25. 42.12 (1) of the statutes is amended to read:

42.12 (1) Beginning on July 1, 1992, in each fiscal year, the state fair park board may award a grant, ~~not to exceed \$35,000,~~ to the city of West Allis to be used to provide crowd and traffic control services related to events held at the state fair park, including events associated with the Olympic Ice Training Center under s. 42.11.

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SECTION 25g. 560.036 (2) (a) of the statutes is amended to read:

560.036 (2) (a) For the purposes of ss. 16.75 (3m), 16.855 (10m) ~~and (10n)~~, 16.87 (2), 18.16, 18.64, 18.77, 25.185, ~~42.09 (3)~~, 66.911, 119.495 (2), 231.27 and 234.35, the department shall establish and periodically update a list of certified minority businesses, minority financial advisers and minority investment firms. Any business, financial adviser or investment firm may apply to the department for certification. For purposes of this paragraph, unless the context otherwise requires, a "business" includes a financial adviser or investment firm.

SECTION 25r. 560.036 (2) (d) 1. b. of the statutes is amended to read:

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560.036 (2) (d) 1. b. The department determines that, with respect to a specified type of supply, material, equipment or service, there are not enough certified minority business suppliers in this state to enable this state to achieve compliance with ss. 16.75 (3m), 16.855 (10m) ~~and (10n)~~, 16.87 (2) ~~and~~, 25.185 ~~and~~ 42.09 (3).

**SECTION 26. Nonstatutory provisions.**

(1) STATE FAIR PARK BOARD MEMBERSHIP.

(a) Notwithstanding the treatment of section 15.445 (4) of the statutes, by this act, the terms of the members of the state fair park board appointed under section 15.445 (4), 1997 stats., who are serving on the effective date of this paragraph expire on the effective date of this paragraph or on the day on which a majority of the members of the board who are initially appointed under section 15.445 (4) (a) 1. to 5. of the statutes, as affected by this act, are appointed and qualified, whichever is later.

(b) Notwithstanding the length of terms specified in section 15.445 (4) (b) of the statutes, as affected by this act, the governor shall appoint the initial members of the board under section 15.445 (4) (a) 3. to 5. of the statutes, as affected by this act, for the following terms:

1. One member under section 15.445 (4) (a) 3. of the statutes, as affected by this act, for a term expiring on May 1, 2001.

2. One member under section 15.445 (4) (a) 3. of the statutes, as affected by this act, for a term expiring on May 1, 2002.

3. One member under section 15.445 (4) (a) 3. of the statutes, as affected by this act, for a term expiring on May 1, 2003.

4. The member under section 15.445 (4) (a) 4. of the statutes, as affected by this act, and one member under section 15.445 (4) (a) 3. of the statutes, as affected by this act, for terms expiring on May 1, 2004.

5. The member under section 15.445 (4) (a) 5. of the statutes, as affected by this act, and one member under section 15.445 (4) (a) 3. of the statutes, as affected by this act, for a term expiring on May 1, 2005.

**SECTION 26m. Initial applicability.**

(1q) The treatment of sections ~~13.48 (29)~~, 16.75 (3m) (c) 4. ~~and~~ 5., 16.855 (10m) (a) ~~and~~ (c), (10n) ~~and~~ (22), 16.87 (2), 42.09 (3) (b) ~~to~~ (d) ~~and~~ 560.036 (2) (a) ~~and~~ (d) 1. b. of the statutes first applies with respect to contracts for which bids or competitive sealed proposals are solicited on the effective date of this subsection.

**SECTION 27. Effective date.**

(1) This act takes effect on the first day of the 2nd month beginning after publication.

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